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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/562,870  | 05/08/2006  | Jutta Schlosser      | 12400-058           | 6401             |
| 757 7590 10/28/2008<br>BRINKS HOFER GILSON & LIONE<br>P.O. BOX 10395<br>CHICAGO, IL 60610 |             |                      |                     |                  |
| EXAMINER<br>SPISICH, GEORGE D   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 3616  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/562,870

**Applicant(s)**

SCHLOSSER ET AL.

**Examiner**

GEORGE D. SPISICH

**Art Unit**

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 12/28/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tether being less than the width of the layers of the airbag (claim 1 and 6) must be shown or the feature(s) canceled from the claim(s). Presently it is not clear from the Figures that the tether is shorter than the width of the side of the airbag to allow for the proper folding and expansion of the airbag. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because in line 2, "lamina" has been misspelled. Examiner believes this term should be -- laminar -- as is named in the specification and claims.

Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, there is claimed that "each layer having a leading and trailing edge". In lines 4-5, there is claimed that the tether is "connected to the leading and trailing edge" (which is singular). Since a plurality of edges are claimed (by the terms "each layer has"), it should be claimed that the tether is connected to "edges".

Examiner is considering this limitation to be that the tether is connected to the leading edges and the trailing edges for examining purposes in this Office Action.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (USPN 6,422,693).

Ryan discloses (see Fig. 4B at least) a side airbag comprising two superimposed layers (201A and 201B) of laminar material, each layer having a leading edge (204) (the bottom edge is a leading edge during deployment) and a trailing edge (203). There is at least one tether (230 with mounting tether portions 235) having opposed ends (the tether mounts) connected to the leading and trailing edges (in cross section as shown in Figure 4B), the length (in cross section) of the tether between the connections being less than the width of the layers forming the airbag between the connections. This allows for the airbag to inflate to a wider cross section to provide occupant protection.

When mounted in the vehicle, the single tether extends (although shown in a zig-zag fashion) in a direction substantially parallel to the longitudinal axis of the motor vehicle when the airbag is inflated.

Figures 7A and 7B show the well known concept in the airbag art of using a seam (8) interconnecting layers of laminar material to provide separate inflatable chambers in the airbag. This provides a more even expansions and particularly positions chambers with respect to the occupant to improve the occupant protection.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Jang et al. (USPN 6,364,348).

Jang et al. discloses (see Fig. 6 at least) a side airbag comprising two superimposed layers of laminar material, each layer having a leading edge and a trailing edge. There is at least one tether (541) having opposed ends connected to the leading and trailing edges, the length of the tether between the connections being less than the width of the layers forming the airbag between the connections. This allows for the airbag to inflate to a wider cross section to provide occupant protection. Since element 541 restrains the movement of the airbag, it is properly considered a tether.

When mounted in the vehicle, the single tether extends in a direction substantially parallel to the longitudinal axis of the motor vehicle when the airbag is inflated.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (USPN 6,364,348) in view of Lachat et al. (USPN 5,791,685).

Jang et al. has been discussed in the previous rejection. However, Jang et al. does not show at least two tethers at spaced apart positions.

Lachat et al. discloses the well known concept of providing a plurality of tethers (dividing elements) in an airbag. This evens out the airbag expansion to provide a broader occupant protection area.

It would have been obvious to one of ordinary skill in the art to modify the airbag of Jang et al. by providing a second tether as taught by Lachat et al. and furthermore since mere duplicating of a part involves only routine skill in the art, *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, so as to provide a more even expansion of the airbag and provide a broader protection area.

With respect to claim 6, the particular relations of the tether and airbag layers is within the scope of one of ordinary skill in the art since varying the size and geometry of the airbag arrangement and expansion dimension is known to one of ordinary skill.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (USPN 6,364,348) in view of Hill (USPN 5,730,464).

Jang et al. has been discussed in a prior rejection. However, Jang et al. does not show the well known airbag concept of providing a seam to separate the airbag into separate chambers. This provides a more even expansion and particularly positions the chambers with respect to the occupant to improve the occupant protection.

Hill discloses a side airbag having a seam to divide the airbag into separate inflatable chambers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag of Jang et al. so as to provide a seam to

separate inflatable chambers in the airbag as taught by Hill and as is well known in the airbag art, so as to provide more even expansion and particular position the chambers with respect to the occupant to improve occupant protection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following show airbags with tether arrangements: Sasaki et al. (USPUB 2001/0042974), Wipasuramonton et al. (USPN 7,431,332), Yokoyama (USPN 6,478,329), Koide et al. (USPN 5,924,722), Lachat (USPN 5,853,191), White et al. (USPN 5,848,804), Acker et al. (USPN 5,692,774), Webber et al. (USPN 6,168,191).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE D. SPISICH whose telephone number is (571)272-6676. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3616

/George D. Spisich/  
Examiner, Art Unit 3616  
October 25, 2008